

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AG. G. a minor, by and through his guardian ad litem, JESSICA AQUINO; AR. G., a minor, by and through his guardian ad litem, JESSICA AQUINO; KARLA GONSALEZ, individually; and AUGUSTIN GONZALES JR., individually;

Plaintiffs,

vs.

CITY OF HAYWARD, a municipal corporation; MARK KOLLER, individually; PHILLIP WOOLEY, individually; MICHAEL CLARK, individually; TASHA DECOSTA, individually; and DOES 1-100, inclusive,

Defendants.

Case No. 4:19-cv-00697 DMR

**DECLARATION OF BENJAMIN
NISENBAUM IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

**Date: July 9, 2020
Time: 1:00 p.m.
Courtroom: 4**

Hon. Donna M. Ryu

EXHIBIT G

INTERVIEW WITH OFC. PHILLIP WOOLEY**Q=Det. Robert Purnell****Q1=Det. Mulhern****Q2=Atty. Harry Stern****Q3=DA Insp. Caesar Basa****Q4=DDA Autrey James****A=Ofc. Phillip Wooley**

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15
16 Q: All right, Officer Wooley, if I can have you take a seat there with, uh, Mr.
17 Stern.

18
19 A: Thank you.
20

21 Q: (Unintelligible) from the District Attorney's Office, I'm gonna have you take
22 a seat here if you would, please.
23

24 Man: Yes, sir.
25

26 Q: All right. I might even start the, uh, audio recording here. Uh, Detective Rob
27 Purnell. It is November 18, 2018, approximately 1:02 pm. Uh, this is for the
28 officer-involved shooting interview of Officer Phil Wooley. Uh, we'll start by
29 going around the room.
30

31 Q1: Detective Mulhern, uh, Hayward Police Department, Criminal Investigations
32 Bureau.
33

34 A: Officer Phillip Wooley, Hayward Police Department.
35

36 Q2: I'm Harry Stern I'm a lawyer with Raines, Lucia, Stern, and I'm here
37 representing Officer Wooley.
38

39 Q3: Uh, Inspector Basa with the Alameda County District Attorney's Office.
40

41 Q4: And Deputy District Attorney Autrey James, Alameda County District
42 Attorney's Office.
43

44 Q: All right. Good afternoon, Officer Wooley.
45

46 A: Good afternoon.

47
48 Q: Appreciate you, uh, taking the time to meet with us today. First thing we're
49 gonna go over is a modified, um, interview form. So I'm gonna go ahead and
50 read that to you as I complete it. Entering the case number which is already on
51 the form, 2018-94542. Today's date and my name. Officer Wooley, W-O-O-
52 L-E-Y, is that correct?

53
54 A: Correct.

55
56 Q: Okay. Um, Officer Wooley, you're represented here at this interview by your
57 attorney, Harry Stern. You are not in custody and you are free to conclude the
58 interview at any time. You are not obligated to answer any questions. Any
59 questions you do give may be used in a court of law. Having this in mind, do
60 you wish to voluntarily proceed with the interview?

61
62 A: Yes.

63
64 Q: All right. Officer Wooley, I'll have you sign where it says signature of the
65 officer, it's the first line. Mr. Stern, if you'd sign below him.

66
67 Q2: Certainly.

68
69 Q: And then I will sign the, uh, last line as the investigator. All right. So, Officer
70 Wooley, we're gonna go over some, uh, background questions as we begin the
71 interview here, just gonna go over some, uh, just information about your
72 hiring, how long you've worked for the police department. We'll go from
73 there into some specialized training, information about yourself, ask some, uh,
74 questions about your uniform and, uh, your firearm, little bit about your
75 vehicle. From there we'll go into a little bit about the scene conditions. Um,
76 from there we'll probably have you, uh, roll into kind of a free narrative of the
77 event from what you remember. Uh, when you - I'll do my best not to
78 interrupt you as you do that, we'll just kind of let you roll through the entire
79 thing. Uh, at the conclusion of that, uh, Detective Mulhern and I will probably
80 have some questions - clarifying questions, um, to ask you. Um, from there
81 we'll probably take a break, um, try to confer with everybody to see if anyone
82 has any further questions. We'll come back in. Um, Detective Mulhern and I
83 will ask any follow up questions that we feel we need. At that point we'll turn
84 it over to the District Attorney's Office for any questions that they may have
85 and then over to your attorney, Mr. Stern, for any follow up questions. Uh, if
86 at any point you'd like to take a break, need to use the restroom, anything like
87 that, please let - let myself or your attorney know, and we can certainly
88 accommodate that. Okay?

89
90 A: Okay.

91
92 Q: All right. So we'll start by, uh, if you can just provide your name, spelling it
93 again for me, and your badge number.
94
95 A: It's Phillip, P-H-I-L-L-I-P, middle initial is J, my last name is Wooley, W-O-
96 O-L-E-Y, and my badge number is 306.
97
98 Q: All right. And what is your date of, uh, hire with the Hayward Police
99 Department?
100
101 A: January 2, 1990.
102
103 Q: Do you have any other law enforcement experience, uh, prior to this agency?
104
105 A: No.
106
107 Q: Any, uh, military service, anything like that?
108
109 A: I spent 12 years in the United States Marsh- uh, sorry, United States Marine
110 Corps as a machine gunner. Four years on active duty and eight years in the
111 Reserves.
112
113 Q: Did you serve overseas during that time in the Corps?
114
115 A: Yes.
116
117 Q: Okay. Any active conflicts or anything like that while you were in the Marine
118 Corps?
119
120 A: Beirut, Lebanon in 1983.
121
122 Q: All right. Uh, on the night of this incident, what was your unit designation or,
123 uh, radio call sign?
124
125 A: Boy 32 or B32.
126
127 Q: Um, and does the, uh, the B and the 32, do they, um, reference something
128 about your area of responsibility and the shift that you work?
129
130 A: Yeah.
131
132 Q: Okay.
133
134 A: B is for the Boy, B, which is the downtown area of Hayward. The 32 is for the
135 midnight shift.

HAY000627

136
137 Q: And when you refer to the midnight shift, what are the actual hours that you
138 work?
139
140 A: You want it in 24-hour clock?
141
142 Q: If you would, please.
143
144 A: 1800 to 0630 in the morning.
145
146 Q: All right. What are your, uh, current days that you're working?
147
148 A: I work Tuesday dayshift, Wednesday swing shift, and Thursday midnight. My
149 team's referred to as Team 7. We're the relief shift.
150
151 Q: And you said, uh, Tuesday dayshift, Wednesday swing shift, and Thursday
152 graveyard?
153
154 A: Correct.
155
156 Q: Or midnight shift? And on Team 7, uh, who is your current supervisor?
157
158 A: Sergeant Neula and Sergeant (Vonnegut), and Lieutenant (Dorn).
159
160 Q: Which sergeant is responsible for the north end of town?
161
162 A: Sergeant (Vonnegut).
163
164 Q: You said Lieutenant (Dorn)?
165
166 A: Correct.
167
168 Q: All three of those supervisors were working the night of this incident?
169
170 A: No.
171
172 Q: Okay. Who was the a...
173
174 A: Only - I'm sorry. Only Sergeant (Vonnegut) was working.
175
176 Q: Okay.
177
178 A: We had - Lieutenant (Cory) Linteo was the Watch Commander that night.
179 There was SRU training, Lieutenant (Dorn)'s part of the SRU team, so he was
180 not there and Sergeant Neula was on vacation.

HAY000628

181
182 Q: Were there any other supervisors working that night?
183
184 A: Sergeant DeCosta was working from the swing shift.
185
186 Q: Officer Wooley, have you attended or received any specialized training?
187
188 A: In? Um, all kinds. Um, I'm a firearms instructor, that's probably my primary
189 assignment I would say. I've attended 2 to 3000 hours' worth of specialized
190 training when it comes to firearms, be it handguns, rifles, shotguns, sub-
191 machine guns, edged weapons, all the above. Um, I've done a lot of training,
192 when it comes to investigations I spent eight years in our Investigations
193 Bureau. Sexual Assault Investigations, Child Abuse Investigations. I'm a
194 Field Training Officer. I've gone to FTO school four or five times now. I'm
195 also a Crime Scene Technician, so I've been to several different, you know,
196 crime scene investigation courses. I'm a trained dispatcher, so I do work
197 overtime in our Dispatch Center and I fill in there quite often when they're
198 short-handed. But pretty much, yeah, most of my training's around firearms.
199
200 Q: Okay. You said 2 to 3000 hours?
201
202 A: Yeah.
203
204 Q: Okay. Um, and I know you mentioned that you worked as an investigator.
205 Have you held any other, uh, special assignments such as the Gang Unit,
206 Narcotics, um, Special Response Unit, any of those things?
207
208 A: I worked our Special Duty Unit for six months, and I was a Vice officer for
209 three years, and a Narcotics officer for three years.
210
211 Q: Uh, just for the people that are in the room who are not aware, can you just
212 explain kind of the duties of the Special Duty Unit?
213
214 A: That was the original Gang Unit, when we - before we didn't have a Gang
215 Unit, so we started having a gang problem. They took about 30 of us and put
216 us out there and - to kind of clean up some of the gang problems, and then
217 decided to start a specialized unit to deal with it, and, uh, Sergeant (Javier)
218 and I were picked to do it when we were officers, to go out and be the Special
219 Duty Unit.
220
221 Q: Okay.
222
223 A: So it was just the two of us, and Sergeant Lindbloom was the supervisor, and
224 then it expanded from there.
225

226 Q: So you investigated gang-related crimes...

227

228 A: Correct.

229

230 Q: ...conducted, uh, specialized like enforcement on, uh, gang members, those
231 types of things while you were out?

232

233 A: Yes, sir.

234

235 Q: Okay. Um, can you do the same for the Vice Unit, just ex- kind of explain
236 your duties when you were assigned to the Vice Unit?

237

238 A: Vice Unit? At that time we had a big problem with, uh, street level
239 prostitution so my primary focus was the street level prostitution. I would run
240 organized prostitution stings. The other big thing was ABC violations with the
241 amount of alcohol problems we had in the city with different bars and the
242 establishments selling alcohol. So we came down kind of hard on - with ABC
243 licenses by restricting what they could sell, what they couldn't sell.

244

245 Q: Narcotics Unit, I'm assuming is, uh, what the name implies, that you worked
246 narcotics-related crimes?

247

248 A: Correct.

249

250 Q: Did you, uh, work in a - either an undercover or plainclothes role in either the
251 Vice or the Narcotics Unit?

252

253 A: Both of them.

254

255 Q: As a Field Training Officer, what are some of your responsibilities with that
256 role?

257

258 A: You're tasked with training any of the new officers that come in, be if they're
259 entry level or laterals. Laterals obviously are easier, you're just teaching them
260 how things are done here in Hayward. Entry level's a little bit more difficult,
261 'cause you're teaching them from the ground up. How, you know, how to -
262 you're their first line supervisor so you're teaching them how to write a report,
263 how to make a traffic stop, how to get from point A to point B, how to
264 position a car, officer safety tactics, all of it is involved in the FTO program.
265 And this is the fourth time I've done it.

266

267 Q: When you said the fourth time, is it, uh, is there a sort of rotation that you
268 come in and out of that assignment?

269

270 A: No, we just, well, this last time I was asked to do it, so they asked me to do it

271 because the amount of new trainees we're getting. As you well know, we're
272 getting a lot of retirement, a lot of people leaving, and it's a little difficult in
273 this day and age to actually find qualified candidates that come in, so the ones
274 we get, they want people that are patient and willing to work with them.
275

276 Q: Okay. Uh, in the Marine Corps, did you receive any specialized training?
277

278 A: I was a machine gunner, that was my primary MOS. Um, that would be my
279 specialized training, was use of an M60 machine gun - which is old and
280 outdated, and they don't even use anymore, so - 35, 40 years ago.
281

282 Q: Did you receive any training in the Marine Corps about, um, I don't know,
283 tactics or anything along those lines, in addition to your law enforcement
284 training?
285

286 A: No. Back then you were preparing - you know, in the early 80s the Cold War
287 was still in bloom, so we were trained in digging a foxhole and, you know,
288 going to Europe and pushing out the Soviet Union back, in case they invaded
289 so no, all that stuff like FBUA, Fighting Built-Up Areas and close quarter
290 battle came in after the Beirut bombing, which I was at, because of that instant
291 we didn't know what we were doing, we had no clue. So, uh, yeah, that came
292 after I was long gone.
293

294 Q: All right. What was the last shift that you worked prior to, uh, the night of this
295 incident?
296

297 A: Swing shift, which is 1:30 - or I'm sorry - 1330 to 0200, and that would have
298 been on Wednesday.
299

300 Q: Uh, do you have any secondary jobs or did you work any extended hours on
301 that, uh, swing shift?
302

303 A: No.
304

305 Q: Had you consumed any alcoholic beverages in the previous 24 hours before
306 the shift or this incident?
307

308 A: No, sir.
309

310 Q: Do you have any medical conditions that might impact your judgment, um, or
311 physical abilities?
312

313 A: No.
314

315 Q: When's the last time that you had slept prior to this incident, and if you could

316 provide how long and the number of hours?

317
318 A: So I got off at 2:00, got home. I was probably in bed by 3:00 - I live in Dublin,
319 so it doesn't take that long to get home, and I slept 11:00, noon. I got up, went
320 to the gym like I always do, and then I came to work. I take a shower here
321 before work, and change my uniform. I'm usually early to the lineup room,
322 read the news.

323
324 Q: So based on that timetable that you just provided, about eight to nine hours, is
325 that correct?

326
327 A: Yes, sir.

328
329 Q: Okay.

330
331 A: I've been trying to get good workouts in 'cause I'm leaving for Tahiti in a
332 couple weeks, so...

333
334 Q: Very nice. Did you receive any injuries as a result of this incident?

335
336 A: No.

337
338 Q: Do you wear glasses or contact lenses?

339
340 A: I wear reading glasses.

341
342 Q: Do you have any vision problems?

343
344 A: No.

345
346 Q: All right. From here we're gonna move into your uniform. Um, what class
347 uniform were you wearing on the night of this incident?

348
349 A: The Class C BDU uniform.

350
351 Q: Were you photographed in that uniform?

352
353 A: Yes, sir.

354
355 Q: Do you wear a, uh, do you wear your ballistic vest inside that uniform, or do
356 you wear an external carrier?

357
358 A: Inside.

359
360 Q: All right. Um, we can go from there, uh, from the center of your duty belt,

361 working right around your body, um, to your left side and then back to the
362 center, can you name the items that are on that belt?

363
364 A: Directly to the right is my handgun, it's a Sig Sauer P226 and 40 caliber.
365 Directly behind that is gonna be my OC spray. Behind that's a pair of
366 handcuffs, a second pair of handcuffs, then my Taser and my radio - then a
367 magazine pouch, it has two spare magazines for the Sig. They're 12-round
368 magazines.

369
370 Q: Do you wear a baton or a flashlight anywhere on your belt?

371
372 A: No. I carry a flashlight - I just usually stick it in my pocket.

373
374 Q: Okay. In addition to your belt, do you carry anything in the cargo pockets of
375 the BDU styles uniform?

376
377 A: Not in the pants, I carry a backup weapon in my breast pocket. And that's a
378 Glock 43, 380. It has six rounds in the magazine and one in the chamber.

379
380 Q: When you say breast pocket, is that like the, uh, like the map type style pocket
381 of that uniform, not in the actual, uh, um, pocket on the outside of the uniform
382 itself?

383
384 A: Correct.

385
386 Q: Is that correct? Yeah.

387
388 A: That's correct.

389
390 Q: You said the right side?

391
392 A: Yes, sir. I can reach it with either hand, my left or my right hand there.

393
394 Q: Were you wearing a body-worn camera during this incident?

395
396 A: Yes, sir.

397
398 Q: Was it activated?

399
400 A: Yes, sir.

401
402 Q: Was there any damage to your uniform?

403
404 A: No.

405

406 Q: I know you just provided it but I'm gonna ask you again, could you provide
407 the make and model of the, uh, firearm that you were carrying as your primary
408 weapon?
409

410 A: It's a Sig Sauer P226, in 40 caliber.
411

412 Q: Is that a department-issued weapon?
413

414 A: Yes, sir. I can give you the serial number if you want it.
415

416 Q: If you, uh, have it memorized, that would be great.
417

418 A: It's U as in Union, 686148.
419

420 Q: Do you have any, uh, special modifications to the weapon, such as the, uh, the
421 sights, the light of the - such as the sights, or do you have a light in addition to
422 them or any, uh, modification to the grips and such?
423

424 A: The only modification on that gun is the sights, they are night sights,
425 TRUGLO night sights.
426

427 Q: Uh, were you utilizing department-issued ammunition?
428

429 A: Yes.
430

431 Q: I know you mentioned that the, uh, magazines that you carried, they were all
432 12-round capacity?
433

434 A: That's correct.
435

436 Q: Okay. And were those, uh, magazines fully loaded to capacity?
437

438 A: Yes, sir.
439

440 Q: To 12? And a chamber round in your weapon?
441

442 A: Yes, sir.
443

444 Q: When was the last time that you qualified with that weapon?
445

446 A: I seem to recall about three months ago. Mm-hm. Three - three months ago,
447 right?
448

449 Q1: I'm not certain, it was during transition training.
450

HAY000634

451 A: Yeah, about three months ago. Detective Mulhern's also a firearms instructor,
452 so we were together when we did that.

453
454 Q: Understood. Um, I know that you mentioned that you were also carrying the
455 Glock 43 as a backup weapon. Was that weapon fired during this incident?

456
457 A: No.

458
459 Q: No other backup weapons or knives?

460
461 A: No.

462
463 Q: While we're on the gun, uh, you said the only modifications were the
464 TRUGLO night sights?

465
466 A: Correct.

467
468 Q: You had trained with those night - TRUGLO night sights on that weapon
469 system, right?

470
471 A: Oh, absolutely, yes, sir.

472
473 Q: All right. On the night of the incident were you driving a fully marked, uh,
474 Hayward Police patrol vehicle?

475
476 A: Yes, sir.

477
478 Q: Okay. Can you, uh, describe that vehicle with the number, uh, make and
479 model if you would, please.

480
481 A: It's a Ford Explorer SUV and it's black and white, and the vehicle number is
482 226. It has Hayward Police emblems on both doors, the passenger and driver's
483 side door. It's got fully marked lights, overhead emergency lights, spotlight.
484 Very distinctively marked patrol car, police car.

485
486 Q: Is this the normal vehicle that you drive?

487
488 A: Yes, sir.

489
490 Q: Were you the, uh, solo officer in this unit?

491
492 A: Yes, sir.

493
494 Q: Okay. No one - no ride alongs or other officers with you at the time of this
495 incident?

496

497 A: No, sir.

498

499 Q: Did you activate the emergency lights, um, or the spotlights at any point, uh,
500 while responding to or at the incident itself?

501

502 A: I believe I turned on the overhead lights to get through a light or two going. I
503 was at D and Mission when the call came out, so I had to go south on Mission,
504 so I think I did turn them on a couple times to get through a couple of the, um,
505 lights at maybe Mission and, uh, Mission and D, in those areas.

506

507 Q: Uh, not activated once you were on scene, is that correct?

508

509 A: Correct.

510

511 Q: No spotlights activated while you were on scene?

512

513 A: No.

514

515 Q: Okay. Uh, I'm gonna ask a little bit about the actual scene itself. Can you just
516 describe the area where this incident took place?

517

518 A: It's a residential street, and there is some businesses that are on the east side,
519 but mostly it's residential. It's a north, south street and it's made of asphalt -
520 it's very dark. Uh, there wasn't a lot of street lighting there in the area. There
521 were cars on both sides, the no- or sorry, the east and west sides of the street,
522 blocking just, you know, parked up against the curb. Um, the people when I
523 got there, that I saw, were standing in front of a large white pickup truck.

524

525 Q: Um, can you describe the weather conditions of the night of the incident?

526

527 A: It was clear, not raining, not cloudy, but kind of smoky due to the fires up in
528 Butte County, but, you know, there's smoke all over the Bay Area right now,
529 so it was a little hazy from the smoke.

530

531 Q: And I know you described it as dark. Can you actually describe the, uh, the
532 lighting conditions?

533

534 A: I'm not quite sure of the question.

535

536 Q: Oh, I'm sorry. Uh, was it daytime, nighttime?

537

538 A: Oh, I'm sorry, it was nighttime, yeah. It was nighttime. It was dark outside
539 and the street lighting right in that area was not very good.

540

541 Q: In addition to street lighting is there any other artificial lighting from either
542 the, uh, residents or the commercial businesses that you talked about?

543
544 A: There was some artificial lighting from a residence on the east - or sorry, the
545 west side of the street. That and my patrol car light.

546
547 Q: And when you, uh, refer to the patrol car lights, are we talking just the
548 headlights of the vehicle?

549
550 A: Just the headlights, yeah.

551
552 Q: Uh, just the headlights themselves, or had you activated the brights?

553
554 A: I did not. It was just the normal headlights.

555
556 Q: Do you know the business that, uh, borders the street there?

557
558 A: I think it's a car dealership. It's the back lot of a car dealership.

559
560 Q: Do you use, uh, utilize a flashlight at any point during?

561
562 A: No, I dropped it - I had it in my hand but I dropped it.

563
564 Q: All right. So we've come to the point that I discussed kind of early in the, uh,
565 interview, and that's kind of the free narrative of the event. So, um, if you
566 would, just kind of take us back to that night. Um, describe how you became
567 aware of the actual incident itself, um, any dispatch information that you
568 recall, uh, where you responded from, how you got there, um, and then
569 obviously, uh, as you come on scene, anything - anything you observed, um,
570 and then take us through the actual incident itself if you would, please.

571
572 A: I don't remember the exact time, somewhere around 10 o'clock I believe, I
573 was going to the Lucky's on Mission Boulevard. It's 22555 Mission
574 Boulevard, to take a stolen vehicle report. So I was going westbound on D
575 Street approaching Mission when this all came out. It originally came out as a
576 415 ascertain, meaning there's something going on there at the intersection of
577 Orchard and O'Neil. This is all being broadcast via the radio, 'cause my
578 MDT, the computer in the car obviously had the call I was going to on it, so I
579 didn't have the original call. So dispatch was broadcasting that there was a
580 male there that had a knife and attempted to stab a roommate, and the
581 information was very sketchy because the informant wasn't being a lot -
582 forthcoming with the information. So since I was at Mission and D, I was
583 about a mile away from that - it was about a mile away south from where I
584 was, so I got on the radio and said, "Boy32 diverting to that," so I started
585 heading down there. Dispatch updated us with the information that the suspect

586 had on a black and white - check that, I'm sorry - a red and black striped shirt,
587 and he was armed with a knife and he was arguing with a roommate, and then
588 basically the phone line didn't go dead, it was just open, and the informant
589 that originally called wasn't giving any more information. I was at about
590 Mission, just north of Orchard. I activated my body-worn camera, turned it on,
591 and the only other information we had where these people were was they were
592 in an apartment complex at the intersection. So when I got there, there was
593 nothing obvious right in the middle of the intersection, and then I started
594 driving around the intersection saying, "Hey, there's a lot of apartment
595 complexes here. Do we have any more information of where this is?" So I
596 couldn't find anything. I'm basically driving in circles, trying to find
597 something. I was probably there maybe 30, 45 seconds when I started hearing
598 somebody whistling, yelling at me. It was coming from north on O'Neil. And
599 so I put that out on the radio, that "Someone's trying to flag me down."
600 Somewhere in this time I start driving up north, and Sergeant DeCosta says
601 that she's with the informant. I never saw her. I don't recall seeing her at all.
602 So I start driving north and I asked, "Where is - okay, we have the informant.
603 Do we know where the other person is?" Right about then I'm looking up over
604 the dashboard of a car, and I can see the guy in the black and red - or I'm
605 sorry, the red and black striped shirt. He was arguing with another person,
606 another male and a female. He had something in his hand, I really couldn't see
607 it. Um, because it was so dark I pulled my car up a little bit closer than I
608 would have liked to, but I need to use lights to see. They were arguing and he
609 had something in his hand. I was afraid, I'm thinking, um, he had either
610 stabbed or already had - or was gonna stab the roommate, so I was afraid he
611 was gonna stab the girl or the guy at that time. So as I got out of my car, I left
612 the door open, and he looked at me, the suspect looked at me. He had a very
613 blank, thousand-yard stare on his face, and he just looked at me and he said,
614 "You're gonna have to shoot me." So I had already had my gun out. I told
615 him, "Drop the knife, drop the knife, drop the knife." While I'm saying that,
616 he's walking toward me. And as he's walking toward me he had both of his
617 hands together, almost like in a shooting stance, more or less, and I could see
618 something in his hand, I believe it was his right hand - I thought it was a box
619 cutter, that's what my mind was going through. In the last few years, um,
620 we've been going through a lot of this training on, you know, putting a line in
621 the sand, and I had already formulated if he comes any closer than that line in
622 the sand, then he was gonna be an - an extreme threat to me by being -
623 stabbing me with that knife, or turned his attention back to these two people.
624 So I'm telling him, "Drop the knife, drop the knife," and I say, "Stop." He
625 doesn't stop. He keeps coming at me and that's when I made the decision to
626 fire, 'cause I thought he was gonna stab me with the knife and either kill me
627 or cause me great bodily injury. I don't recall the exact number of rounds I
628 fired. I probably fired anywhere from six to seven, maybe eight. At that same
629 time, roughly right when I started firing, I could see in my peripheral vision
630 Officer Clark show up. Uh, I could see Officer Clark also fired, I don't know

631 how much. Right after I fired and the suspect went down. I said to him,
632 "Don't move," he said, "I'm not moving." I got on the radio and said, "Shots
633 fired." Somebody was transmitting and it didn't go out, but then I reque- and
634 then Officer Gillett showed up and Officer Clark started handcuffing the
635 suspect, and he was still alive at that point, he was moaning something,
636 nothing coherent. And then I put out on the radio, once he was handcuffed,
637 "It's clear, roll Fire in," and then I asked for more units to arrive, and then I
638 asked for Sergeant (Vonnegut) to come, which is Sam 32. And really that's it.
639 That's the incident as a whole.
640

641 Q: All right. Well, I, uh, certainly appreciate you going through all that. We're
642 gonna kind of go back and break a little bit of it down. Um, I do have some
643 maps so we, uh, can kind of go through this, um, just kind of make sure that
644 we're all on the same page as to where this occurred.
645

646 A: Is it okay if I get my reading glasses?
647

648 Q: Absolutely. All right, so you said it was about, uh, 10 o'clock at night and -
649 when you'd been dispatched to Lucky's for a stolen vehicle, correct? Your
650 initial..
651

652 A: Correct.
653

654 Q: ...uh, and then, uh, while responding there, um, I think you said - you
655 described it as a 415?
656

657 A: 415 ascertain.
658

659 Q: Okay. Um, and for somebody that doesn't know 415 as a code, what is that,
660 disturbing the peace?
661

662 A: The ascertain is one of those things that's vague, really not quite sure what's
663 going on, something that's bad or has the potential to be bad, but we're not
664 quite sure what's going on, usually because the informant's not telling us
665 much.
666

667 Q: Okay.
668

669 A: So it's a higher priority than just a regular 415.
670

671 Q: And then you, um, you hear the dispatcher, uh, tell you something about,
672 "There's a male with a knife and he's attempted to stab a roommate," is that
673 correct?
674

675 A: Correct.

676

677 Q: Okay. Uh, so when you hear - between this 415 ascertain that's been put out
678 and then this, uh, there's a male with a knife who's attempted to stab a
679 roommate, in your mind, has a crime already occurred at this point?

680

681 A: Yes, sir.

682

683 Q: So, um, between those two dispatches, are you responding to a crime in
684 progress?

685

686 A: Correct.

687

688 Q: Okay. Um...

689

690 A: They - while I was driving there, they actually updated the call to a 417,
691 which is a brandishing of a weapon.

692

693 Q: Okay. So responding to a - a - I guess a cold ten-eight or a cold stolen vehicle
694 is fairly different than responding to a brandishing of a weapon, would that be
695 correct in your opinion?

696

697 A: Absolutely.

698

699 Q: Okay. Does that change your response or - or how you prepare yourself as
700 you're going to this call?

701

702 A: Absolutely it does. You have a completely different mindset of what you're
703 conducting.

704

705 Q: Okay.

706

707 A: What's paramount when you're going to something like a 415 with a weapon,
708 be it a gun or a knife or a meat cleaver, is the safety of yourself, your partners,
709 and the general public, so that's what you're thinking about more than
710 anything. Where, you know, the train that you're going to dictates your
711 tactics. Where am I gonna position my car, where am I gonna position
712 myself? What is the lighting? It's obviously dark and nighttime out there, so
713 you're thinking about lighting, I need to be able to see. I have to be able to
714 ascertain if that weapon he actually has is a weapon. Things change, so I'm
715 going there - just because he was armed with a knife or that's the information
716 I had doesn't mean he was armed with a knife when I got there. He could have
717 dropped it, he could have thrown it, he could have put it someplace else,
718 someone could have taken it from him in that, you know, minute timeframe,
719 so got to be able to see that and know that he's actually armed or not. So all
720 that comes into play, it's going through your mind while you're driving there,

721 or it should be. That's how I train new officers is think of all the possible
722 contingencies. You play the "what if" game, what if this happens, what if that
723 happens, what if he did drop the knife, what if he does come at you with a
724 knife? What if he did stab her? What if he did stab him?
725

726 Q: Uh, through your training and experience as an officer, and also as a firearms
727 instructor, is somebody with a knife a - a dangerous threat?
728

729 A: Absolutely.
730

731 Q: Okay. Um, what types of injuries have you seen through your training and
732 experience involving knives or edged weapons?
733

734 A: Knives that are weapons can kill somebody, can cause their death. They can
735 cause great bodily injury by eviscerating tissue, cuts, tendons, you know,
736 slashes of muscle tissue, fat. It can tear up your intestines, it can tear up your
737 heart, lungs, legs. It could render limbs inoperable, put out your eye, your
738 nose, ears. It can do almost anything. It's considered in our line of work a
739 deadly force instrument. I train - again, back to my training - I train new
740 officers when they carry a knife, that that can be a backup weapon. If
741 somebody's trying to take your primary firearm away from you - a lot of
742 people like to put their knives on their, um, strong side. I tell them move it to
743 your weak side because one of your first training things is if someone tries to
744 take your gun away from you, what do you do? You take your strong arm and
745 you lock the gun into the holster. That's what you're trained from day one in
746 the police academy, you lock in. So your strong arm's out of play, you can't
747 use it anymore, so you're gonna have to use your weak hand. That's why I
748 decided to keep my backup firearm in a position I can get to it with my strong
749 or weak hand. So I tell them to take their knife, put it on their weak side so
750 they can get it out. If someone's trying to take their gun they can use that as a
751 deadly force weapon to get the person off of them.
752

753 Q: Okay. The, uh, the suspect, in addition to being described as, uh, with a red
754 and black shirt and - and armed with this knife, is there - do you recall any
755 other specifics about the suspect being put out over the radio?
756

757 A: I believe he also - they said he had blue jeans and he was white or Hispanic. I
758 honestly couldn't tell you what race he was right now, I mean he - he had that
759 blank look on his face that no matter what I told him or said, he was not gonna
760 respond to it.
761

762 Q: Okay. Was the, uh, was the knife itself, was it described at all as you're
763 responding, or was it ever referred to anything else other than a knife?
764

765 A: No.

766
767 Q: Okay.
768
769 A: It was just a knife.
770
771 Q: And then you, uh, described that the phone line was open at that point. Did the
772 dispatcher tell you that the phone line was open?
773
774 A: Yes, sir.
775
776 Q: Okay. Um, as you're responding, were they updating you with anything that
777 they were hearing on the phone line or anything like that?
778
779 A: They were saying that he could hear loud arguing in the background, and then
780 when I went on scene, about - around maybe 30, 40 seconds later, they said
781 that they could hear whistling that I was hearing, that he heard the same thing.
782
783 Q: When you hear the whistling, do you actually see somebody whistling or - or
784 yelling at you?
785
786 A: No, I couldn't see him, I could only hear it, and then as I got closer I could
787 just make out an image. I - I couldn't even describe the guy to you today. He
788 was there and I know Sergeant DeCosta talked to him, but I couldn't make - I
789 couldn't - all I know is that dispatch advised that that informant had on an
790 orange shirt that I remember, but I don't remember seeing him.
791
792 Q: And you described that he was yelling. Could you make out what was being
793 said?
794
795 A: No.
796
797 Q: All right. And then from there you, uh, described that Sergeant DeCosta said
798 that she was with the informant. Was that - did she actually tell you that in
799 person, or was that also put out over the radio?
800
801 A: That was over the radio. I didn't even see her there. I mean that's how dark
802 the street was, I didn't even see her talking to the informant.
803
804 Q: Then you described, um, as you were putting some information out over the
805 radio, you actually see over the dashboard, um, this person in the red and
806 black shirt. Did you take that person as the suspect that was described to you
807 in the radio dispatch?
808
809 A: Yes, sir.
810

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811 Q: Okay. Um, and you described that he's arguing with people?

812

813 A: He was arguing with a female and a male, yes.

814

815 Q: Could you make out what was being said?

816

817 A: No.

818

819 Q: Could you describe the female and the male that he was arguing with?

820

821 A: No. The female was white and the male was white, that's about all I can really
822 remember about them. My focus and attention kind of shift to him at that
823 point. Again, I'm - I'm thinking he's already stabbed somebody, is he gonna
824 stab them too? That's kind of where my mindset was. I didn't want them to be
825 stabbed.

826

827 Q: So your understanding is as you're responding to this is somebody has already
828 been stabbed?

829

830 A: That's what we were told, that he stabbed a roommate.

831

832 Q: Okay.

833

834 A: So I'm working on, you know, off the information I've been given.

835

836 Q: And you describe that you, uh, see something in his hand. Can you describe
837 that at all? I know you, uh, you said that you needed to pull forward to get
838 more lighting but...

839

840 A: Right. I could see something in his hand originally when I got there, and he
841 was holding it kind of weirdly, but odd. He was holding it oddly, not
842 normally. But when he shifted his attention to me, like I said he came up in
843 what I would call a shooting position. He had both hands clasped together like
844 he was holding a gun. There's obviously not a gun in his hand but he had
845 something in his right hand - I thought it was a box cutter. I took it to be a box
846 cutter.

847

848 Q: So when you see this object in his hand, um, is there anything that stands out
849 about it? Um, does like - does the light reflect off of it? Is there anything that
850 would lead you to believe what it is or what - what it's made out of that - as
851 you approach? For somebody that doesn't understand what a shooting stance
852 is, can you just - I know you started to describe it, but could you just describe
853 it a little bit more in general what a shooting stance is?

854

855 A: He had both hands clasped together as if he was holding something in what

856 would be considered a low ready position to me. A low ready position is a
857 position that you take your handgun and put it in, basically about two inches
858 below the waistline, so you can see the waistline and upper body, and that way
859 you could actually bring the gun up quicker from there if you actually have to
860 shoot somebody. So it looked to me like he had it in the low ready position,
861 and he just walked straight towards me and said, "You're gonna have to shoot
862 me."
863

864 Q: In your opinion when somebody takes a shooting stance, is that a - an
865 aggressive posture or...
866

867 A: Yes.
868

869 Q: Okay. Um, from your training and experience has somebody in that position
870 ever become combative or presented as a threat to you in previous calls for
871 service?
872

873 A: Absolutely. Getting to - probably the thing that caught my attention more than
874 anything was his demeanor. The look on his face, that blank stare, like, you
875 know, in - in the combat zone you'd call it a thousand-yard stare. That just
876 means you are - you're checked out. You are - you're - you're checked out.
877 You're just there and you're seeing through people, and whatever decision
878 you've made in your mind that you've got in your mind, you are gonna carry
879 it out. You're purpose-driven, and nothing's gonna stop you. And that's the
880 look he had. That was what alarmed me more than anything. That, combined
881 with "You're gonna have to shoot me." I'm in a uniform and he just came
882 straight at me. I mean aggressively - not fast but not slow. And I'm telling
883 him, "Drop the knife, drop the knife, stop," and he continued to come.
884

885 Q: Okay. So let's talk a little bit about that. Um, are you - is your window down
886 in your, uh, patrol vehicle as a responding unit?
887

888 A: Yeah.
889

890 Q: Okay. So, when you hear, uh, the suspect say, "You're going to have to shoot
891 me," where are you at in relation to the vehicle?
892

893 A: I am direct- I got out of the car. When I got there and I saw him, I get out of
894 the car, I get on the radio very quickly and said, "I got him in the middle of
895 the street, give me a 10-3." 10-3 means for everyone to stop transmitting on
896 that channel, leave it open for me or anyone else on that incident. I get out of
897 the car. I could see what was in his hand, I immediately dropped my
898 flashlight. That's when he said, "You're gonna have to shoot me." So I am
899 right at the driver's side door, 'cause that was the only cover that I had
900 available to me at that time. So I'm just directly standing in the door, getting

901 up. I'd just gotten out of the car.

902
903 Q: Had you given him a command at this point prior to him saying, "You're
904 gonna have to shoot me"?

905
906 A: No. He said that before I told him to drop the knife.

907
908 Q: Had you identified yourself as the police or anything like that?

909
910 A: No, sir.

911
912 Q: When he said, "You're gonna have to shoot me," what did you take that as?
913 Did you take that as he understood that you were the police and that...

914
915 A: Oh, yeah.

916
917 Q: ...you had a firearm?

918
919 A: He knew I was the police. He could tell just by looking at me. I mean as soon
920 as I pulled up and I got out of the car, his attention and focus stopped arguing
921 with the girl and the guy, and focused right on me. It was that quick. As soon
922 as he saw me, he flipped his focus to me, which was good, 'cause it took it off
923 them. So I - I kind of had them out of the picture at that moment in time to
924 kind of, you know, shift his focus onto me, so I wasn't so much at that
925 moment in time worried about them.

926
927 Q: And then, uh, as you're saying this, is he already beginning to advance on
928 you, or are you at that point telling him to drop the knife, which is when he
929 begins to advance?

930
931 A: If I remember correctly, I told him to drop the knife, and then that's when he
932 started coming at me.

933
934 Q: How many times do you think you said "Drop the knife"?

935
936 A: Two or three times. You have to understand too, I was a lot closer than I really
937 wanted to be. I did not want to be that close to the guy, and in a perfect world,
938 it would have been daytime, I would have parked a little bit further back, but
939 in this particular instance, again, I said your training dictates your tactics. I
940 had to see the guy, so I had to be a little bit closer with the patrol car, and it
941 was a very - I mean it was an uncomfortable feeling being that close with
942 someone with a knife as they can close that distance very quickly and stab you
943 with a knife, so but again, that was my mindset also. I'm closer than I want to
944 be to this guy, but I didn't have a real choice in the matter.

945

946 Q: Um, in your, um, estimation, how far are you from him?

947

948 A: Five yards.

949

950 Q: So, 15 feet?

951

952 A: Yes. And I'm sure everyone here has heard of, you know, the whole, you
953 know, 21 feet, and the average officer can draw and fire one round, put it on
954 target in about 21 feet with someone with an edged weapon before they close
955 that distance on them. So, I was well within that distance just getting out of
956 my patrol car. And I gave him plenty of opportunities to drop the knife before
957 he even closed the distance on me.

958

959 Q: Uh, so you come out of the car, you put - ask for a 10-3. At what point do you
960 draw your firearm?

961

962 A: As I'm getting out of the car.

963

964 Q: Why did you draw your firearm?

965

966 A: Because he had a deadly weapon and you meet deadly force with deadly
967 force. You don't bring a Taser to something that's gonna - has potential to kill
968 you. You don't use OC spray, you don't use a baton on anything that's deadly
969 force, and an edged weapon is considered deadly force. There's plenty of
970 people get killed by being stabbed or with a machete or a sword or a meat
971 cleaver across the United States every year, across the world.

972

973 Q: So I think you're alluding to it, but in your opinion at this point in time you
974 had no other options on your duty belt, other force options on your duty belt to
975 utilize against the subject?

976

977 A: No, there was no other options. Again, that close proximity, if I would have
978 tried to use a Taser, by the time - if it didn't work, by the time I transitioned, I
979 would have been stabbed.

980

981 Q: At this point in time are you aware that you have any assistance from cover
982 officers or anyone else in the area?

983

984 A: No.

985

986 Q: So at this point in time you believe you're by yourself, engaging this person?

987

988 A: I knew they were coming, but I didn't know where they were. And like I said,
989 right when I started firing, I saw Officer Clark in my peripheral vision.

990

991 Q: So as you're, um, uh, the subject's advancing to you, do you know where the
992 other two people are that he was arguing with at this point in time?
993
994 A: Yes, they were off to the left.
995
996 Q: Okay.
997
998 A: They had moved - the male took the girl and moved him off over to the curb.
999
1000 Q: So they're away from this subject as he's advancing towards you?
1001
1002 A: Away - I wouldn't say well away, but away, yeah. They were not in the line of
1003 fire. There was no one behind me. I had a perfect backstop. I wasn't really
1004 concerned about that. I was...
1005
1006 Q: For somebody who doesn't know what a backstop is, can you describe what
1007 you're referring to?
1008
1009 A: What was behind him. There was no other people standing behind him that I
1010 was worried about if one of the rounds missed, it would hit somebody behind
1011 him. There was just cars and that type of stuff. So there was nothing I was
1012 worried about behind him. And again, those are all the things that are going
1013 through your mind, you know, what's the backstop and might you hit
1014 somebody else. And, you know, like I said, this happened within a second and
1015 a half roughly. I mean by the time I - from the time I got out of the car until I
1016 actually fired, maybe a second to a second and a half. I mean it just - it was
1017 quick.
1018
1019 Q: So in that second to a second and a half, in addition to you saying, "Drop the
1020 knife," did you give any other commands?
1021
1022 A: I told him to stop. That was the last thing I said before I fired, I said "Stop."
1023
1024 Q: Do you know how many times you said the word stop?
1025
1026 A: Once.
1027
1028 Q: And you said at this point you fire six, seven, or eight rounds?
1029
1030 A: Somewhere in there, yes.
1031
1032 Q: What is your intention when you're firing these rounds?
1033
1034 A: To stop him from advancing on me and stabbing me.
1035

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1036 Q: Are you assessing as you're firing these rounds?
1037
1038 A: Yes.
1039
1040 Q: Can you describe that for us.
1041
1042 A: The first few rounds I fired, to me, looked as if it didn't have an effect on him.
1043 He kind of - kind of winced a little bit, but he didn't - yeah, it's not the
1044 movies, it's not TV or Hollywood, he didn't drop immediately onto the
1045 ground. He turned a little bit to his right. As I continued to fire, he went down.
1046 But he never dropped whatever was in his hand, he always had it in his hand
1047 the entire time. Matter of fact, if I remember correctly, Officer Gillett took
1048 whatever it was out of his hand - I think it was a razor blade. He ended up
1049 taking it out of his hand, um, after he handcuffed him maybe. I'm not quite
1050 sure about that. It was either right before he handcuffed him or after. So, it
1051 looked like it had no effect on him. When...
1052
1053 Q: When - I'm sorry, go ahead.
1054
1055 A: When he went down and he was down, like I said, he was still holding - he
1056 was kind of in a fetal position, still holding whatever he had in his hand, and,
1057 um, I did not advance on him, I stayed where I was. That's when I had
1058 stopped firing, and then Officer Clark and Officer Gillett went up and
1059 handcuffed him.
1060
1061 Q: So you said, uh, after you fired and you come over, and then Officer Clark is
1062 there?
1063
1064 A: Correct.
1065
1066 Q: And he's firing...
1067
1068 A: Yes.
1069
1070 Q: ...also? I believe you said you're not aware of how many rounds that Officer
1071 Clark...
1072
1073 A: No.
1074
1075 Q: ...fires, is that correct? Okay. Are you aware that Officer Gillett is anywhere
1076 during this portion of the incident?
1077
1078 A: No, sir.
1079
1080 Q: Okay. Once you, uh, the subject collapsed and you stopped firing, um, do you

1081 tell Officer Clark to go up and handcuff him, or does Officer Clark go up on
1082 his own and handcuff him?

1083
1084 A: He goes up on his own. I put on the radio that there was shots fired, like I said
1085 earlier, I got covered so that didn't go out. Apparently, Sergeant DeCosta had
1086 already done that. And then I asked for more units and to start medical.

1087
1088 Q: And this is - as Officer Clark and Gillett are handcuffing, this is the first time
1089 you're aware Officer Gillett is also on scene?

1090
1091 A: Correct. Then after that - after he was handcuffed, Officer Gillett rendered aid
1092 to the suspect, victim, and I had requested the fire department to roll in, I said
1093 the scene was secure, roll them in, and to block off the traffic, that type of
1094 stuff, and then I asked for my immediate supervisor to come.

1095
1096 Q: Um, in your opinion, handcuffing was for...

1097
1098 A: Safety reasons because he was - he still was holding whatever it was he had,
1099 and he wasn't out of the fight at all. It's standard procedure, you're gonna
1100 handcuff them to control them.

1101
1102 Q: Okay. And once the handcuffs are applied, medical aid is rendered almost
1103 immediately?

1104
1105 A: Yes.

1106
1107 Q: By Officer Gillett?

1108
1109 A: Correct. And I checked on Officer Clark, made sure he was okay, he said he
1110 was okay. I said, "I'm good." Um, all that was already issued, then I put over
1111 the radio that there was no officers injured. Um, you know, we had dispatch -
1112 being a dispatcher, you know, you're in this little room ten miles away from
1113 what's going on. It's nice for them to know that everyone out here is okay, so
1114 I let everyone know that we were all okay there.

1115
1116 Q: When you check on Officer Clark, do you have a conversation about what has
1117 just occurred?

1118
1119 A: No. I just asked him if he was okay. I think I said, "Are you good?" And he
1120 said, "Yes."

1121
1122 Q: Are you approached by anyone else while you're at the scene? Uh, Hayward
1123 police staff or personnel?

1124
1125 A: Sergeant DeCosta came up to me. She said something along the lines of, "He

1126 said you're gonna have to shoot him?" I go, something like, "Yeah, I know,"
1127 something like that. And then Lieutenant Linteo showed up, who was - (Cory)
1128 Linteo showed up, who was the Watch Commander that night. Um, he did not
1129 ask me what happened or occurred. Sergeant (Vonnegut) did not ask me what
1130 happened or occurred. He did ask me how many rounds I fired for the public
1131 safety issue of it, and that's all he asked me. Uh, that's it that I recall.
1132

1133 Q: Okay.

1134
1135 A: I left my body-worn camera on until Lieutenant Linteo told me to turn it off.
1136

1137 Q: Um, so I know you said that he's handcuffed by Officer Clark and Gillett,
1138 Officer Gillett renders aid. Um, you have these, uh, kind of brief interactions.
1139 Do you do anything else out at the scene in addition to these things?
1140

1141 A: No. Nothing - there were a couple peo- couple of looky-loos came out, I told
1142 them to go back inside their house. No, that was it.
1143

1144 Q: At this point in time you're then brought back to the police department with
1145 an escort?
1146

1147 A: Yeah, Officer Ferreyra - (Justin) Ferreyra. He brought me back here to the
1148 station.
1149

1150 Q: Uh, prior to being photographed, did you change or remove anything - any
1151 items on your person?
1152

1153 A: No.
1154

1155 Q: And there was no, uh, no reloading or - or change of magazine in your
1156 weapon, is that correct?
1157

1158 A: No.
1159

1160 Q: All right. Um, I'm gonna show you these maps. Okay, they're just Google
1161 Map into this. So, uh, at the, uh, very top of this, um, image is obviously
1162 going north, uh, that'll be south, uh, of course at the bottom here. Um, you'll
1163 see, uh, O'Neil running kind of, uh, just northwest, southeast. Uh, down here
1164 at the very bottom is Orchard Avenue. Uh, Mission Boulevard will be, uh, off
1165 to the right or the, uh, east of. Do you recognize this area?
1166

1167 A: Absolutely.
1168

1169 Q: And, uh, it is kind of an accurate, uh, representation of the area in which this
1170 incident occurred?

1171
1172 A: Yes, sir.
1173
1174 Q: Okay. Um, if you would, please, can you take, um, this red marker and just
1175 indicate, um, where you, um, stop your vehicle when you see this suspect?
1176
1177 A: I want to say right about here.
1178
1179 Q: Okay. And I think you described that he's approximately 15 feet in front of
1180 you?
1181
1182 A: Correct.
1183
1184 Q: Okay. And you don't move your vehicle at any point during this, is that
1185 correct?
1186
1187 A: No.
1188
1189 Q: Okay. I'm gonna show you a little, uh, closer up image. Again, you recognize,
1190 uh, this area?
1191
1192 A: Yeah.
1193
1194 Q: Okay. So, um, to the right or east of O'Neil Avenue, does that kind of
1195 describe the car dealership that you referenced earlier in the interview?
1196
1197 A: Yeah.
1198
1199 Q: Okay. Um, do you, uh, do you see the diamonds in the middle of the street? I
1200 believe that's a speed bump. Do you, uh, recall where in relation that speed
1201 bump is to where you stopped?
1202
1203 A: Uh, I was behind - I believe I was right about there.
1204
1205 Q: So just north of or in front of the speed bump, the south?
1206
1207 A: Correct.
1208
1209 Q: Okay. Do you have anything that I haven't covered before we take a break?
1210
1211 Q1: Just a couple things. Uh, so you had said originally that you got closer than
1212 you wanted to?
1213
1214 A: Correct.
1215

1216 Q1: And that was for the purpose of...
1217
1218 A: Lighting.
1219
1220 Q1: And the lighting being from...
1221
1222 A: The patrol car.
1223
1224 Q1: Yeah.
1225
1226 A: ...lights.
1227
1228 Q1: So with that being said, you said you dropped your flashlight?
1229
1230 A: Correct.
1231
1232 Q1: So, uh, the lighting at the time was provided by the headlights?
1233
1234 A: Correct.
1235
1236 Q1: What kind of lighting did that provide?
1237
1238 A: I could see perfectly clear with that lighting there. I could see him, I could see
1239 the girl, the guy, what I thought was a box cutter. It was illuminated well
1240 enough for me to see and make everything out, so I didn't really need the
1241 flashlight. I'd rather have two hands on my gun than one.
1242
1243 Q1: And that illumination also allowed you to see that facial expression that you
1244 described as a thousand-yard stare?
1245
1246 A: Correct.
1247
1248 Q1: In your career, how many times have you seen that look?
1249
1250 A: Dozens.
1251
1252 Q1: And how's it usually - what's the usual result of that? Would it turn to - how's
1253 the contact or confrontation for lack of better terms?
1254
1255 A: Usually we end up in a fight with somebody 'cause they're not listening or
1256 obeying commands.
1257
1258 Q1: Okay. Um, two things, it's kind of two-fold. It's like you said you had a line
1259 in the sand?
1260

1261 A: Correct.
1262
1263 Q1: Uh, was that line in the sand between you and him, unobstructed? Was there
1264 anything in between you guys that he would have to go around or go through
1265 to get to you?
1266
1267 A: No.
1268
1269 Q1: Okay. An estimate, um, you said five yards away when you pulled up. At the
1270 time of the shooting what's approximately the distance between you and the
1271 subject?
1272
1273 A: Two to three yards.
1274
1275 Q1: So, uh, about six to nine feet?
1276
1277 A: Correct.
1278
1279 Q1: Okay. I know earlier we discussed the type of injuries that a knife or edged
1280 weapon kind of generically, but specifically, in relation to what you believe to
1281 be a box cutter, in your training and experience, what kind of injuries are you
1282 familiar with that could be caused by such a device?
1283
1284 A: Took down the World Trade Center. Those guys had box cutters and took
1285 over that plane and blew up the World Trade Center, so that's one thing, but,
1286 um, massive cuts, slashes, you know, you can - hemorrhaging, you can die
1287 from, you know, loss of blood, get your tendons ripped up, like I said, your
1288 heart, kidneys. Remember your body armor is not meant to stop edged
1289 weapons, it's meant to stop projectiles, so it's not - it does afford some slash
1290 protection, but it's not made to stop an edged weapon, so it can go through
1291 that like a hot knife through butter and get into your vital organs, your heart,
1292 your lungs, that type of thing.
1293
1294 Q1: Earlier you had alluded to the 21-foot rule. For those that don't really
1295 understand that, can you kind of just give us a breakdown of what the 21-foot
1296 rule is and where it comes from?
1297
1298 A: Yeah, it - it came by a guy named (Dev Tooler), he's a deputy in Salt Lake
1299 City, and he came up with a - a shooting drill where he took a bunch of police
1300 officers and he had someone run, and they'd have him - the officers draw and
1301 fire one round in a center mass of a target. The average officer could fire that
1302 one round from the holster while the person covered approximately 21 feet.
1303 So that meant basically that an average individual can cover 21 feet by the
1304 time the officer would draw and fire one round. So in that zone there's an
1305 obvious threat to you. It's a - they're a threat. He never said shoot somebody

1306 who was 21 feet away with a gun - it's been distorted and changed over the
1307 years. That's not what he said. He is just saying that that is a threat to them.
1308 He never said to shoot just because they were that distance away, it's just a
1309 threat zone.

1310
1311 Q1: So ba- basically you were put in that threat zone when you got out of the car?

1312
1313 A: I was in that threat zone when I got out of the car.

1314
1315 Q1: And earlier you had made a comment about, uh, "Checked out." Is that a
1316 mental state that you were referring to? Mental, state of mind?

1317
1318 A: Yes.

1319
1320 Q1: Okay.

1321
1322 A: Yeah, that's the perception I got from the suspect when I got there, was that
1323 he was checked out. He was purpose-driven in what he was gonna do.
1324 Whatever he - was in his mind at that time, that blank stare, that comment and
1325 just his mannerisms, and - you don't advance with a weapon on a uniformed
1326 armed police officer. That doesn't make a lot of sense, with a gun pointed at
1327 you, so that - just that look he had to me, he was checked out. Whatever
1328 decision he made, he had it made and he was gonna follow through with it,
1329 and I don't know what it was.

1330
1331 Q1: Okay.

1332
1333 A: I can't get into his mind, but I don't know what his decision was gonna be.

1334
1335 Q1: Did you ever feel that you were afforded the opportunity to like start a
1336 dialogue?

1337
1338 A: No.

1339
1340 Q1: That's because of...

1341
1342 A: It - it was too fast, it was rapidly unfolding. As soon as I got out of that car, he
1343 said "You're gonna have to shoot me," and he started toward me. It was so
1344 fast there was no time for it. Um, retreat really wasn't an option. I was afraid
1345 if I started backing up that - the guy and the girl was still there, was he gonna
1346 turn his attention back to them, and go over and stab them and force the issue
1347 another way? So, that wasn't an option either. Plus I didn't know what was
1348 going - behind me, backing up and shooting, as you know is not all that easy
1349 to do. Um, so there's all these other variables for the retreat aspect. I didn't
1350 know where my nearest cover was. I knew I had cover with the door of the

1351 patrol car, and again, the lighting situation I had there. Behind me I wasn't
1352 quite sure.

1353
1354 Q1: At that point in time were you...

1355
1356 A: (Unintelligible).

1357
1358 Q1: ...were you able to confirm that anybody had been stabbed or injured at that
1359 point in time, or is it still unknown?

1360
1361 A: Correct. I did not know.

1362
1363 Q1: Okay. I was trying to ask if you had any knowledge of any injuries.

1364
1365 A: No.

1366
1367 Q1: That's all I have.

1368
1369 Q: I think we've talked about it, um, but in - that this weapon can be - or an
1370 edged weapon, you know, can do all these different things, but I don't know
1371 that we actually asked you specifically, as he's advancing on you, what is
1372 your mindset? What are you feeling is about to occur?

1373
1374 A: I thought he was gonna try to kill me.

1375
1376 Q: So, um, fair to say that you feared for your own safety at this point, that he's
1377 going to advance on you and kill you?

1378
1379 A: Yes. That's what he looked like to me. He had that blank, checked out
1380 mindset. I mean I - if you're asking my opinion, my opinion was he was
1381 gonna kill me. He was coming at me again. I'm in uniform with a gun pointed
1382 at you, telling you "Drop it, stop," and he's not and he's still coming at me, he
1383 was gonna kill me, or try.

1384
1385 Q: Um, did you ever approach the subject and see his face at any point during
1386 this interaction?

1387
1388 A: I did, later on.

1389
1390 Q: Did you recognize that person from any previous interactions?

1391
1392 A: No, sir. I still don't know his name.

1393
1394 Q: Um, so if I say the name, um, Agustin Gonzalez, do you recognize that name
1395 from any, uh, previous interactions?

1396
1397 A: No, sir.
1398
1399 Q: I do have a single photograph of him that I'm gonna show you here. Um, it is
1400 a little dated, but, um, do you recognize the person in that photograph?
1401
1402 A: No.
1403
1404 Q1: Can you just indicate on there and sign it please.
1405
1406 A: That I don't know him?
1407
1408 Q: So I know you said, um, as he's advancing you can't really make it out, but at
1409 some point you see what you believe is a - did you describe it as a razor blade
1410 or a box cutter?
1411
1412 A: Yes.
1413
1414 Q: I - I didn't - I don't recall what - which did you refer to it as?
1415
1416 A: A razor blade. Officer Gillett took it out of his hand and again, I don't
1417 remember if it was before or after he was handcuffed, and he - he said - I think
1418 he said, "This is what he had," and I - I could see it, I'm like, "Razor blade."
1419
1420 Q: Okay. I'm gonna show you a crime scene photograph. Do you recognize, uh,
1421 what's in that photograph?
1422
1423 A: No.
1424
1425 Q: Okay. You're unsure if that is what you saw that night as the razor blade,
1426 Officer Gillett saw?
1427
1428 A: Correct.
1429
1430 Q: You - you are un- unsure?
1431
1432 A: Unsure, yes.
1433
1434 Q: Okay.
1435
1436 Q1: And sign?
1437
1438 Q: We'll go - come back and have him sign all the photographs. All right. At this
1439 time we're gonna take a break, so we're gonna pause the interview at, uh,
1440 1409 pm.

1441
1442 Q1: Do you need a water or something?
1443
1444 A: No.
1445
1446 Q1: Harry?
1447
1448 Q2: I'm okay.
1449
1450 Man: (Unintelligible).
1451
1452 Q: Just show him - close this door please. Thank you, sir. All right. So we're
1453 gonna restart the interview at 1418 hours. Officer Wooley, I just have a couple
1454 of follow up questions for you. Um, I noticed or, um, I know that you noted
1455 that you wear, um, reading glasses. Were you actually wearing those glasses
1456 during this incident?
1457
1458 A: No.
1459
1460 Q: Okay. And in addition to Officer DeCosta putting out that she is with the
1461 informant, do you recall any other radio traffic that you're hearing from either
1462 Sergeant DeCosta or anyone else who's responding to the scene, about what's
1463 going on or that they're with anybody else or anything like that while the
1464 incident's actually occurring?
1465
1466 A: No.
1467
1468 Q: Okay. No other - not making out any other yelling from officers or anyone
1469 else out there, anything that's being said?
1470
1471 A: No.
1472
1473 Q: Okay. Um, I know we discussed the, um, what's referred to as the 21-foot rule
1474 and we described, you know, kind of what that goes into but you, um, you
1475 noted or you described, um, a - what you called a line in the sand. Can you
1476 just describe for us what you mean by a line in the sand?
1477
1478 A: It means that was as close as I was gonna allow him to get without using some
1479 sort of force in order to get him to stop. I would allow him to get to that point
1480 and no further, because at that point he was way too close for my safety. I
1481 mean, again, I thought he was gonna kill me, so once he reached that line, that
1482 was it. I - I gave him enough opportunities to stop his actions on his own
1483 without me resorting to using any force on him and he didn't take them.
1484
1485 Q: Was that a specific line that you're referring to or was it like fluid, like as he's

1486 advancing you - you just turn it in your mind that that is the point already?

1487
1488 A: That is the point, yes.

1489
1490 Q: Okay. About how far away was that line when you - when this unfolded?

1491
1492 A: About the same two to three yards.

1493
1494 Q: So six to nine feet?

1495
1496 A: Yes.

1497
1498 Q: Okay. We talked about the - this thousand-yard stare, but you also noted he -
1499 or, uh, you also noted that he changed and focused on you. Did you actually
1500 make eye to eye contact with him?

1501
1502 A: Yes.

1503
1504 Q: Did it - did you feel like you got any response out of that or...

1505
1506 A: No. Not at all, he just - he had that blank look. Whatever he was - whatever
1507 decision he made in his mind he was gonna do, he was gonna do it, he was
1508 gonna carry it out. And he just looked at me and just said, "I'm gonna shoot
1509 you" - or "You're gonna have to shoot me," and just advanced toward me.

1510
1511 Q: Okay. You don't have anything for him?

1512
1513 Q1: No.

1514
1515 Q: All right. Uh, at this point I'm gonna turn it over to, uh, the gentlemen from
1516 the District Attorney's Office for any questions they may have. Go ahead,
1517 Caesar.

1518
1519 Q3: Okay. Uh, just - body-worn camera, did you activate it?

1520
1521 A: Yes, sir.

1522
1523 Q3: Did you have a chance to review that prior to this interview?

1524
1525 A: Yes.

1526
1527 Q3: And when was that?

1528
1529 A: Uh, about 30 minutes prior to the original interview.

1530

1531 Q3: Okay. Was that the only time that you reviewed this...
1532
1533 A: Yes.
1534
1535 Q3: ...uh, body-worn camera footage?
1536
1537 A: Yes.
1538
1539 Q3: And, uh, and so it's clear to me, uh, you guys used the word informant. Is that
1540 like the reporting person or the - 'cause you know there's different meanings
1541 to informant, so for people that don't know, what does that mean to your - to
1542 you?
1543
1544 A: It's the reporting person, the person who made the original phone call.
1545
1546 Q3: Okay. Prior to you seeing the suspect, the, uh, the only information that you
1547 had on this, it was a knife, correct?
1548
1549 A: Correct.
1550
1551 Q3: Or was there any other information that came out, that it was a box cutter, a
1552 blade, or whatever else?
1553
1554 A: No, just a knife.
1555
1556 Q3: And you're very well versed on the 21, um, feet rule. 'Cause you talked about
1557 it a little bit, as to who made the study, whatnot. Are you aware of - do you
1558 know of any study that was made in dispute of that 21-feet rule, to dispute
1559 that?
1560
1561 A: Not off the top of my head, no, sir.
1562
1563 Q3: And you said you heard the suspect say, you know, "Shoot me" or something
1564 of that effect, correct? As he - he was advancing towards you, towards your
1565 position, was he saying anything at all?
1566
1567 A: No.
1568
1569 Q3: Okay. That's all I have.
1570
1571 Q: You can go.
1572
1573 Q4: Now as you, um, you were going through this, uh, recapping the events for us,
1574 I understand that the first information you had was that this was a 415
1575 ascertain?

1576
1577 A: Correct.
1578
1579 Q4: Okay. And just so I'm clear, what level of priority is that type of call for this
1580 agency?
1581
1582 A: Priority two.
1583
1584 Q4: Okay. And Priority two means what?
1585
1586 A: We have one through five basically. The only ones the police deal with are 1
1587 and 3, so it would be like a medium level.
1588
1589 Q4: Okay.
1590
1591 A: Priority 3 would be like a cold police report. Priority 2 is a crime in progress
1592 or something of that nature, a Priority 1 would be like a shooting, a rape,
1593 something of that nature, uh, domestic violence.
1594
1595 Q4: Okay, okay. And as I understand it you said as you were proceeding to the
1596 location that you had been given, at some point you hear that it's a 417,
1597 brandishing?
1598
1599 A: Correct.
1600
1601 Q4: Okay. And then at some point did you say that you were told that a roommate
1602 had been stabbed?
1603
1604 A: Correct. I believe that was the initial broadcast, that he had stabbed a
1605 roommate.
1606
1607 Q4: Oh, okay, so that was the first thing? Okay. And we know you get there. As I
1608 understand it you don't see, uh, Sergeant DeCosta. Do you notice Sergeant
1609 DeCosta's, uh, patrol vehicle?
1610
1611 A: No.
1612
1613 Q4: Okay. You stopped your vehicle, and when you stop your vehicle, how far
1614 away are you from the - the man you believe had a knife and the other two
1615 people? How - what's that distance?
1616
1617 A: Approximately five yards.
1618
1619 Q4: Okay.
1620

1621 A: Fifteen feet.
1622
1623 Q4: Okay. So approximately five yards at that point? At that point, when you're
1624 15 feet away, or approximately 15 feet away, can you see his hands?
1625
1626 A: Yes.
1627
1628 Q4: Okay. And what do you note about his hands?
1629
1630 A: The way he was holding his hands to me looked like he had a box cutter or
1631 some sort of knife in his hands.
1632
1633 Q4: Okay. Can you show me - I mean we're on video here, so can you show me
1634 what it looked like from your position?
1635
1636 A: When I got there, he was holding - and he turned - I wasn't really sure what he
1637 was doing when he was arguing with the people but when he turned his
1638 attention to me, he was holding his hands like this.
1639
1640 Q4: Okay.
1641
1642 Q: So just for the audio recording, uh, Officer Wooley is standing. He has his
1643 hands together, uh, with his - act- his hands actually clasped together and he's
1644 pointing them out in front of his body.
1645
1646 Q4: Okay. So now that's the point where he turns towards you, is that correct?
1647
1648 A: Yes, sir.
1649
1650 Q4: Prior to that, um, I believe you said that he was engaged in - in either
1651 argument or talking with the other two people, the male and the female that
1652 were there?
1653
1654 A: Yes, sir.
1655
1656 Q4: Okay. You could not hear what they were saying?
1657
1658 A: No.
1659
1660 Q4: How were his hands at that point?
1661
1662 A: I wasn't quite sure. He kind of looked like he had one hand back and the other
1663 one - they were just kind of arguing.
1664
1665 Q4: Okay.

1666
1667 A: But at the same time I'm getting out of the car, so I would lose sight of him
1668 back and forth.
1669
1670 Q4: Okay. So you get out of the car. When you get out of the car, do you - do you
1671 remain, uh, behind your door?
1672
1673 A: Yes.
1674
1675 Q4: Okay. When he turns towards you, you're behind your door? Does he
1676 immediately start advancing towards you, or does he take a moment, or how
1677 does that happen?
1678
1679 A: Split second, he said, "You're gonna have to shoot me," then he starts
1680 advancing toward me.
1681
1682 Q4: Okay. You can sit down.
1683
1684 A: Oh, boy.
1685
1686 Q4: All right. Oh, okay. So now, he starts to advance toward you, and I believe
1687 you said it wasn't really, uh, fast and it wasn't really slow? Okay. I mean can
1688 you give me a little better description of it?
1689
1690 A: The best way I can describe is he was purpose-driven. He made a decision of
1691 whatever it was he was gonna do, and he was carrying it out.
1692
1693 Q4: Okay.
1694
1695 A: And methodically.
1696
1697 Q4: Okay.
1698
1699 A: He wasn't rushed, but he wasn't slow...
1700
1701 Q4: Okay.
1702
1703 A: ...either. It was - this is what I'm gonna do, I'm gonna carry it out to the end.
1704
1705 Q4: Okay. And at some point you told us that you thought, um, or you had the
1706 mindset is what you said, that it was a box cutter?
1707
1708 A: Correct.
1709
1710 Q4: How did you get there?

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1711
1712 A: Just from the way he was holding it, and it kind of looked like the blade of a
1713 box cutter. That's about the only thing I could say. I mean just - just the little
1714 bit of the glimpse that I could see looked like a blade of - that would be on a
1715 box cutter.
1716
1717 Q4: Okay. So you could see something?
1718
1719 A: Something, yes. I just wasn't 100% sure. It looked to me - I - I thought it was
1720 a box cutter.
1721
1722 Q4: When you saw what - what you just described as some type of blade, or in
1723 your mind, a box cutter, um, what were you thinking at that point?
1724
1725 A: He was gonna stab me with it.
1726
1727 Q4: Okay. Now, you've used box cutters before?
1728
1729 A: Mm-hm.
1730
1731 Q4: Okay. I just want to make sure now. I mean is a box cutter something that you
1732 think of as a stabbing weapon or a slashing weapon or...
1733
1734 A: It could be used as both.
1735
1736 Q4: Okay. Now, he gets to how close before you start to fire?
1737
1738 A: Two to three yards, so six to nine feet, roughly.
1739
1740 Q4: Okay. So he's at six to nine feet, you fire. I believe you told us that you were
1741 assessing as you were firing, is that correct?
1742
1743 A: Correct.
1744
1745 Q4: Okay. Now when you were assessing, was it, you know, fire one, take a
1746 moment, assess and then fire more, or how were you going about the
1747 assessment?
1748
1749 A: As I was firing I was continually assessing it.
1750
1751 Q4: Okay. And prior to that continual assessment, you were watching him?
1752
1753 A: Correct.
1754
1755 Q4: Okay. Can you describe to me from when you fired, you know, that first shot

1756 until you stopped firing, what his body motions were?
1757

1758 A: After the first couple of gunshots he stopped, so when he stopped, he kind of -
1759 I would say he winced a little bit, and then he turned slightly to the right, and -
1760 but he didn't drop whatever was in his hand, so then that's why I continued to
1761 fire. Then he kind of crumpled and went down, but he was still holding onto
1762 whatever he had. And I fired some more. He went down to the ground. When
1763 he went down to the ground, he was in a fetal position, still holding onto
1764 whatever it was he had, and that's when I stopped firing, 'cause he was down
1765 and no longer advancing toward me, so pretty much at that moment in time,
1766 the threat was neutralized, it was over with. So that's when I stopped firing.
1767

1768 Q4: Okay. And you said he didn't drop, uh, what he had in his hand? Um, you
1769 could still see it in his hand that entire time?
1770

1771 A: I could - no, I wasn't focused in on that anymore. I was more focusing on the
1772 front sighting him, but, um, I know, but I could see he still had his hands
1773 clasped the same way he had it before.
1774

1775 Q4: Okay.
1776

1777 A: When he originally started advancing on me.
1778

1779 Q4: Okay. And when you fired the first shot, was he still moving towards you?
1780

1781 A: Yes.
1782

1783 Q4: Okay. If you can recall, approximately how many shots before he got to that
1784 point where you said he stopped?
1785

1786 A: Uh, probably two or three, roughly.
1787

1788 Q4: Okay. And at that point though he was still standing, is that correct?
1789

1790 A: Yes.
1791

1792 Q4: All right. At some point he does, you say, I think start to turn towards his
1793 right?
1794

1795 A: Correct.
1796

1797 Q4: Okay. Is he in profile to you at that point?
1798

1799 A: Not completely.
1800

1801 Q4: Okay.
1802
1803 A: Partially, yes, but not completely. Not a complete side, no.
1804
1805 Q4: All right. And at that point you can still see both his hands?
1806
1807 A: Yes.
1808
1809 Q4: All right. Now you become aware of the other officer - Officer Clark I believe
1810 you said was his name, is that right?
1811
1812 A: Correct.
1813
1814 Q4: And you said that's out of your peripheral vision?
1815
1816 A: Correct.
1817
1818 Q4: Okay. Um, at that point did you know whether or not Officer Clark was
1819 firing?
1820
1821 A: I can't tell you which point it was. I...
1822
1823 Q4: Okay.
1824
1825 A: Somewhere in there, in that second timeframe, I could - I could see him firing.
1826
1827 Q4: Okay, okay. And were you still firing at the same time that he was firing?
1828
1829 A: Yes.
1830
1831 Q4: Okay. All right. And then you believe - I'm sorry, you said that one of the
1832 other officers - I'm sorry, did you say Officer Gillett?
1833
1834 A: Officer Gillett, yeah, like the razor.
1835
1836 Q4: Yeah. Okay. I wanted to make sure I wasn't...
1837
1838 A: Okay.
1839
1840 Q4: All right. So Officer Gillett is the one who you said took the weapon, uh, from
1841 him?
1842
1843 A: Yes.
1844
1845 Q4: Okay. And then you - you saw it out there, but you just don't remember

1846 whether or not the photo we showed you was it? Okay, okay.
1847
1848 A: It was a three-second - he just said, "This is what he had," and I kind of said,
1849 "A razor blade?" Or something...
1850
1851 Q4: Okay.
1852
1853 A: ...like that, like all this over that kind of - that's my - that was what I was
1854 thinking, like - so.
1855
1856 Q4: Okay. When he said, "You're gonna have to shoot me," did you - was - I'm
1857 sorry, was he coming towards you at that point?
1858
1859 A: No. He said that and then came toward me.
1860
1861 Q4: Okay. When he said that, was he facing towards the other two people he had
1862 been engaged with, or was he turned towards you?
1863
1864 A: No, he's turned toward me. We had made eye contact at that point.
1865
1866 Q4: Okay. Caesar, you have anything else? No?
1867
1868 Q3: No, sir.
1869
1870 Q: Mr. Stern?
1871
1872 Q2: No, thank you.
1873
1874 Q: Officer Wooley, is there anything that we haven't asked you about that you
1875 feel is important to this investigation?
1876
1877 A: No.
1878
1879 Q: Do you have anything that you'd like to add before we conclude?
1880
1881 A: No.
1882
1883 Q: Okay. I want to ask that you take, uh, this first Google Map image that we
1884 showed you, can you just take a pen, if you could, uh, just denote a one on
1885 there, and then sign and date it, and again, today's date, 11/18/2018. And if
1886 you'd take the second map image that was showed you, denote a number 2 on
1887 there please, sign and date it and again, 11/18/2018.
1888
1889 A: Woops, sorry about that.
1890

1891 Q: No problem. Uh, this is the photograph that we showed you of the individual.
1892 I know that you've already signed it, could you also date it for me please, and
1893 again, 11/18/2018.
1894
1895 A: Want me to put number 3 on there?
1896
1897 Q: No, that's fine, it's a separate picture. I just wanted to make sure we knew
1898 which maps we'd showed you first. And in addition, the photograph of the
1899 razor blade that I know you said you didn't recognize, but if you could also
1900 sign it just to say that we showed it to you, and again date it - yeah, it's
1901 probably hard on the actual picture itself. And again, 11/18/2018. All right.
1902
1903 Q2: I - I do actually have one...
1904
1905 Q: Okay.
1906
1907 Q2: ...last question if you all don't mind.
1908
1909 Q: Not at all, sir.
1910
1911 Q3: And it kind of relates to the photo of the razor blade.
1912
1913 Q: Did you want the photograph?
1914
1915 Q3: Nah, that's okay. Um, you made a - kind of your last comment in response to
1916 a question by Mr. James, uh, you said in your mind you're thinking all this
1917 over that. What do you mean by that?
1918
1919 A: Just all of it could have been avoided if he just would have dropped it to begin
1920 with, the whole thing would be avoided.
1921
1922 Q3: Okay. All right, thank you.
1923
1924 Q4: You know what, I'm sorry. But, uh, this map reminded me of something. As I
1925 recall, looking at the second map, the X that you put on here shows where
1926 your vehicle stopped?
1927
1928 A: That's correct.
1929
1930 Q4: Okay. Could you put an A, showing us where the, uh, subject was when you
1931 first stopped your car?
1932
1933 A: Okay.
1934
1935 Q4: And then a B where he was when you began to fire? And I realize that this is

1936

all...

1937

1938 Q:

Probably use the marker, Officer Wooley, it'll probably show up a little bit better. All right. So, Officer Wooley's indicated an A that is, uh, north in the Google Map image near a tree, and then a B that is south of that, uh, closer to the X that he has designated as his patrol car.

1939

1940

1941

1942

1943 Q4:

Thank you.

1944

1945 Q:

Are there any other questions from anyone in the room? Okay.

1946

1947 Q2:

No, thanks.

1948

1949 Q:

Uh, Officer Wooley, again, we thank you for coming in to speak with us today, and we'll conclude the interview at 1438 pm.

1950

1951

1952

1953 The transcript has been reviewed with the audio recording submitted and it is an accurate
1954 transcription.

1955 Signed _____